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12 Attorneys for Debtor and Debtor-in-Possession
13 MI PUEBLO SAN JOSE, INC.

14 UNITED STATES BANKRUPTCY COURT
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16 NORTHERN DISTRICT OF CALIFORNIA
17
18 SAN JOSE DIVISION
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20 In re:

21 MI PUEBLO SAN JOSE, INC.,

22 Debtor.

Case No. 13-53893-ASW

Chapter 11

No hearing requested

23 **MI PUEBLO'S DISPUTED 503(B)(9) CLAIMS REPORT**

24 TO 503(B)(9) CLAIMANTS RICHARD, WEITKEMPER, CROWN EQUIPMENT
25 CORPORATION, LAZER BROADCASTING CORP., AND TRES AMIGOS AUTO
26 SERVICE INC., WELLS FARGO BANK, N.A., THE OFFICIAL UNSECURED
27 CREDITORS COMMITTEE, AND THE UNITED STATES TRUSTEE:

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2 PLEASE TAKE NOTICE that on July 24, 2013, the Bankruptcy Court in this case
3 entered its Order¹ (1) Setting a bar date for the filing of claims by creditors who wish to
4 assert priority under Bankruptcy Code section 503(b)(9), and establishing procedures,
5 allowing claims and authorizing debtor and debtor-in-possession Mi Pueblo ("Mi
6 Pueblo") to pay, in its sole discretion, the pre-petition claims of (a) Perishable
7 Agricultural Commodities Act ("PACA") claimants, (b) Packers and Stockyards Act
8 ("PSA") claimants, and (c) holders of claims entitled to priority under Bankruptcy Code
9 section 503(b)(9).

10 PLEASE TAKE FURTHER NOTICE that Mi Pueblo disputes the amount of the
11 four 503(b)(9) Claims listed below on the ground that none are entitled to the right of
12 reclamation under applicable law or treatment as administrative claims under
13 Bankruptcy Code section 503(b)(9) because they are not claims for goods delivered to
14 Mi Pueblo. The 503(b)(9) claims disputed are as follows:
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23 ¹ That ORDER (I) GRANTING ADMINISTRATIVE EXPENSE STATUS TO DEBTOR'S UNDISPUTED
24 OBLIGATIONS TO VENDORS ARISING FROM POST-PETITION DELIVERY OF GOODS ORDERED
25 PRE-PETITION AND AUTHORIZING DEBTOR TO PAY SUCH OBLIGATIONS IN THE ORDINARY
26 COURSE OF BUSINESS; (II) AUTHORIZING PAYMENT FOR GOODS RECEIVED WITHIN TWENTY
27 DAYS OF FILING AND ESTABLISHING ADMINISTRATIVE CLAIMS BAR DATE FOR SECTION
28 503(B)(9) CLAIMS; AND (III) ESTABLISHING PROCEDURES AND TO ALLOW CLAIMS OF
PERISHABLE AGRICULTURAL COMMODITIES ACT AND PACKERS AND STOCKYARD ACT
CLAIMANTS (the "Procedures Order"), subsequently amended.

CLAIMANT	AMOUNT	DATE RECEIVED	CLAIM # & FILING LOCATION	GROUND(S) FOR OBJECTION
Crown Equipment Corporation c/o Rodney J. Hinders 102 S. Washington St. New Bremen, OH 45869	\$191.75	8/30/2013	Claim#135 filed with Omni	Not for goods delivered
Lazer Broadcasting Corp. Attn: Maricela Vasquez 200 South A Street, 4th Fl Oxnard, CA 93030	\$8,412.25	9/9/2013	Claim# 187 filed with Omni	Not for goods delivered Untimely
Tres Amigos Auto Service Inc. 560 E Gish Rd San Jose, CA 95112	\$457.27	9/9/2013	Claim# 188 filed with Omni	Not for goods delivered Untimely
Rich Weitkemper Advertising c/o William R. Weitkemper, Owner 17815 E. 30th Street South Independence, MO 64057	\$72,314.02	8/23/2013	Received by Binder and Malter only	Not for goods delivered No filed with Court or Claims Agent

PLEASE TAKE FURTHER NOTICE that the following procedure applies if you wish to respond to this Disputed 503(b)(9) Claims Report:

i. No later than twenty (20) days following the service of the Disputed 503(b)(9) Claims Report, a 503(b)(9) Claimant who disputes Mi Pueblo's

1 determination must provide Mi Pueblo with evidence or documentation demonstrating
2 the basis for the dispute, including a statement identifying which information in the
3 Disputed 503(b)(9) Claim Report is incorrect, specifying the correct information and
4 stating any legal or factual basis for the objection. Objections must be served on (i) the
5 Office of the United States Trustee, (ii) counsel to Mi Pueblo; (iii) counsel to Wells Fargo
6 Bank, N.A., and (iv) counsel for any statutory committee.

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8 ii. With respect to each 503(b)(9) Claim in the Disputed
9 503(b)(9) Claims Report as to which no objection is timely received, such 503(b)(9)
10 Claim shall be deemed to be an invalid 503(b)(9) Claim (in whole or in parts specified in
11 the Disputed 503(b)(9) Claims Report) without further order of the Court and, to the
12 extent invalid, shall not be entitled to a distribution on account of a 503(b)(9) Claim.

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14 iii. With respect to each 503(b)(9) Claim in the Disputed
15 503(b)(9) Claims Report as to an objection is timely received and the parties resolve the
16 objection, the 503(b)(9) Claim shall be treated as an Allowed 503(b)(9) Claim or a
17 disallowed 503(b)(9) Claim, in whole or in part, as agreed to by the parties, without
18 further order of the Court, upon the filing of a settlement report describing the resolution
19 with the Court.

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21 iv. With respect to each 503(b)(9) Claim in the Disputed
22 503(b)(9) Claims Report as to an objection is timely received and the parties cannot
23 resolve the objection within fourteen (14) days of the date of the objection, Mi Pueblo
24 will file a motion to disallow the 503(b)(9) Claim in whole or in part on not less than
25 twenty-eight (28) days notice. Any opposition to such a motion may be filed no later
26 than fourteen (14) days prior to the hearing and any reply shall be filed no later than

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2 seven (7) days prior to the hearing. To the extent the Court deems appropriate, the
3 Court may order an evidentiary hearing to resolve any disputed questions of fact.

4 Dated: September 25, 2013

BINDER & MALTER, LLP

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6 By: /s/ Robert G. Harris
Robert G. Harris

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8 Attorneys for Debtor and Debtor-in-possession
MI PUEBLO SAN JOSE, INC.
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